

**GS.III Complaint investigations, mediations, and due process hearings and reviews are completed in a timely manner.**

**1. Baseline/Trend Data and Analysis (for reporting period July 1, 2002 through June 30, 2003):**

See Attachment 1 – Dispute Resolution - Complaints, Mediations, and Due Process Hearings Baseline/Trend Data.

**Descriptions of Due Process Hearing and Child Complaint Systems:**

Due Process Hearing System

The Due Process Hearing system in the State of Missouri is a one-tier system consisting of a state-level, three-member Hearing Panel for Part B, a single Hearing Officer for Part C and a single Hearing Officer for Expedited Hearings in Part B. The Part C Hearing Officer and the Part B Expedited Hearing Officer are attorneys under contract with the State of Missouri. The Part B hearing panel is composed of two trained lay officers, one selected by each party, and a Hearing Chair who is an attorney on contract with the State of Missouri. Both the Part B and Part C Due Process Hearing systems incorporate all requirements as specified in the Part B Federal Regulations at 300.506 through 300.514 and the Part C Federal Regulations at 303.419 through 303.425.

Requests for a Due Process Hearing must be made in writing to the Department of Elementary and Secondary Education, Division of Special Education. For the Part B hearing system, within (10) days of the date of the filing of a request, the parties must have identified their choice for a hearing officer. Within fifteen (15) days of the receipt of the request, a Hearing Chair is selected and the panel empowered.

Upon receipt of a request for a hearing, both parties are offered the opportunity for Mediation. Both parties must agree to enter into Mediation and agree on a trained Mediator from a list that is provided. If mediation is successful, a written agreement is developed. All discussions during mediations are confidential and may not be used in any subsequent due process hearings or civil proceedings.

In the Part B system, prior to filing a request for a Due Process Hearing, the parent may submit a request to the Local Education Agency (LEA) for an Informal Resolution Conference. A parent request for a Due Process Hearing is considered to be a waiver of their right to an Information Resolution Conference. In this case, the LEA may conduct the Resolution Conference and notify the parent of the results or they may waive the conduct of the conference.

If either party does not agree with the hearing decision, they may appeal the findings and decision in either state or federal court. The decision of the Due Process Hearing Panel is a final decision, unless a party to the hearing appeals.

Child Complaint System

A child complaint may be filed by any individual or organization that believes there has been a violation of any state or federal regulation implementing the IDEA in either the Part B or Part C system. The complaint must be filed in writing with the Department of Elementary and Secondary Education, Division of Special Education, unless it is determined that the requirement to file in writing effectively denies the individual the right to file the complaint. The child complaint procedures for Parts B and C incorporate all of the requirements as specified in the Part B Federal Regulations at 300.660 through 300.662 and the Part C Federal Regulations at 303.510 through 303.512.

Child complaints are investigated by a staff member of the Division of Special Education. Decisions are issued by the Commissioner of Education within sixty (60) days of the receipt of the complaint, unless it is determined that a longer period is necessary due to exceptional circumstances that exist with respect to a particular complaint.

In resolving a complaint in which it is found that a Responsible Public Agency is out of compliance, the Department addresses within its decision how to remediate the compliance violation, including as appropriate, the awarding of monetary reimbursement or other corrective action appropriate to the needs of the child; and appropriate future provision of services for all children with disabilities. If needed, technical assistance activities and negotiations are undertaken. If a written complaint is received that is also the subject of a due process hearing or contains multiple issues of which one or more are part of that hearing, the part(s) of the complaint that are being addressed in the due process hearing are set aside until the conclusion of the hearing.

If an issue is raised in a complaint that has previously been decided in a due process hearing involving the same parties, the hearing decision is binding. A complaint alleging a school district's failure to implement a due process decision is resolved by the Department of Elementary and Secondary Education (DESE).

### Monitoring Data:

#### Child Complaints

School Year	Total Child Complaints		Total Child Complaints Beyond 60 Day Timeline	
	Total Filed	Total Decisions	#	%
2001-2002	125	113	6	5.3%
2002-2003	166	150	3	2.0%

Source: Missouri Division of Special Education – Child Complaint Database as of 02/25/2004

Formulas: Percent of Child Complaints Beyond 60 Day Timeline = Number of Child Complaints Beyond 60 Days/Total Decisions

#### Child Complaint Allegations

School Year	Total Allegations	Allegations Found Out of Compliance	
	#	#	%
2001-2002	405	107	26.4%
2002-2003	505	108	21.4%

Source: Missouri Division of Special Education – Child Complaint Database as of 02/25/2004

Formulas: Percent of Allegations Found Out of Compliance = Number of Allegations Found Out of Compliance/Total Allegations

#### Corrective Action Plans (CAP) for Child Complaint Allegations Found Out of Compliance

School Year	Corrective Action Plans Extending Beyond 45 Days				Total CAPs Beyond 45 Day Timeline	
	Total with Granted Extension Date	Total Given and Meeting Granted Extension Date	Total Not Meeting Granted Extension Date	Total without Granted Extension Date	#	%
2001-2002	18	18	0	30	30	28.0%
2002-2003	13	10	3	24	27	25.0%

Source: Missouri Division of Special Education - Child Complaint Database as of 02/25/2004

Formulas: Percent of CAPs Beyond 45 Day Timeline = Number of CAPs Beyond 45 Day Timeline/Total Allegations Found Out of Compliance

**Due Process Hearing Requests**

School Year	Total Due Process Hearing Requests				Total Due Process Hearings Beyond 45 Day Timeline	
	Total Number Filed	Total Withdrawn	Total Pending	Total Decisions	#	%
2001-2002	70	53	3	14	1	5.9%
2002-2003	96	68	6	22	0	0.0%

Source: Missouri Division of Special Education - Child Complaint Database as of 02/25/2004

Notes: Data reflects the school year in which the due process hearing requests were filed.

Formulas: Percent of Due Process Hearings Beyond 45 Day Timeline = Number of Due Process Hearings Beyond 45 Day Timeline/(Total Decisions + Total Pending)

**Mediations**

School Year	Total Mediation Agreements Beyond 30 Day Timeline	
	Number	Percent
2001-2002	0	0.0%
2002-2003	0	0.0%

Source: Missouri Division of Special Education - Child Complaint Database as of 02/25/2004

With respect to monitoring data (including Attachment 1), data suggest improvements in timelines within the Due Process Hearing and Child Complaint Systems. The percent of child complaints beyond 60 days decreased from 5.3% to 2.0%. The percent of Corrective Action Plans beyond the 45 day timeline for child complaint allegations found out of compliance decreased from 28.0% to 25.0%. Due Process hearings beyond the 45 day timeline (without the required extension) are rare, i.e. only three instances in approximately thirteen years. All three instances resulted in sanctions and/or removal of the hearing officers involved. One of these instances occurred in school year 2001-2002, but the rarity of such an occurrence suggests no resultant decline in timeliness for that year. With respect to successful mediations, all were completed within timelines, i.e. within 30 days of the agreement to mediate.

**2. Targets (for reporting period July 1, 2002 through June 30, 2003):**

All complaint investigations, mediations and due process hearing and reviews are completed within timelines.

**3. Explanation of Progress or Slippage (for reporting period July 1, 2002 through June 30, 2003):**

In school year 2001-2002, the Division of Special Education created a position of Child Complaint Coordinator. This change was due to the number of extensions in prior years and the workloads of other monitoring supervisors. Having one person to coordinate all activities regarding child complaints has been instrumental in decreasing the number of child complaint extensions. Also, the creation of the new child complaint database, implemented in 2001-02, provides a regular report of child complaints that are nearing the end of timelines. Staff query the database for corrective actions that have not been received within forty-five days of the decision. If a corrective action is late, the district is contacted and, in many cases, this contact results in the district providing documentation that the corrective action has been implemented.

**4. Projected Targets:**

- All complaint investigations, mediations and due process hearing and reviews are completed within timelines.

**5 & 6. Future Activities to Achieve Projected Targets/Results and Projected Timelines and Resources:**

Present activities will be continued for maintenance of present target.